

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(Camden Vicinage)**

JERRYLINN KIRKLAND-RODRIGUEZ
and DAVID ARCHORO VALENTIN, h/w

Plaintiffs,

v.

Civil Action

UNITED STATES OF AMERICA

COMPLAINT AND DEMAND FOR
TRIAL BY JURY

Defendant.

INTRODUCTION

1. This is a civil action seeking monetary damages against defendants for committing acts or omissions of medical negligence against plaintiff.

JURISDICTION

2. The Court has jurisdiction under 42 U.S.C. § 233(c).

PARTIES

3. Plaintiff, Jerrylinn Kirkland-Rodriguez, is an adult individual who at all times material hereto resided at 441 B Haddon Avenue in the City of Camden, County of Camden and State of New Jersey.
4. Plaintiff, David Archoro Valentin, is an adult individual who at all times material hereto resided at 441 B Haddon Avenue in the City of Camden, County of Camden and State of New Jersey.
5. At all times material hereto, plaintiffs, Jerrylinn Kirkland-Rodriguez and David Archoro Valentin were married as husband and wife.

6. Defendant, United States, is the employer of Dr. Eytan R. Barnea¹, M.D. Dr. Eytan R. Barnea, M.D., is an adult individual who is a medical doctor who is employed by CamCare Health Corporation, which is a federally qualified health center. At all times material hereto, was responsible for performing medical procedures on plaintiff, Jerrylinn Kirkland-Rodriguez.

COUNT I

7. Plaintiffs repeat and incorporate all allegations of the preceding paragraphs/allegations of this Complaint as if set forth in full.
8. On or about November 5, 2013, plaintiff, Jerrylinn Kirkland-Rodriguez, was admitted to Cooper University Health Care and/or Cooper University Hospital located at One Cooper Plaza, Camden, New Jersey, with chronic pelvic pain.
9. Defendant, United States, is the employer of Dr. Eytan R. Barnea, M.D. Dr. Eytan R. Barnea, M.D., is an adult individual who is a medical doctor who is employed by CamCare Health Corporation, which is a federally qualified health center.
10. Defendant, United States, is vicariously liable for the acts or omissions of its employee, Dr. Barnea, under the law of agency and/or *respondeat superior*.
11. At all times material hereto, Dr. Barnea, was responsible for performing medical procedures on plaintiff, Jerrylinn Kirkland-Rodriguez.
12. At the aforementioned date, time and place, plaintiff, Jerrylinn Kirkland-Rodriguez, came under the treatment and care of defendant, United States, at which time defendant by and through its employee, Dr. Barnea, performed a surgical procedure, a hysteroscopy and diagnostic laparoscopy, upon plaintiff during the course of which she was injured,

¹ Pursuant to 42 U.S.C. § 233 (c), Dr. Eytan R. Barnea, M.D., is an employee of the United States.

namely a bowel and aortic injury.

13. Defendant, United States, by and through its employee, Dr. Eytan R. Barnea, M.D., was guilty of negligence and deviated from the standard of care in his examination, treatment and care of plaintiff.

14. Defendant, United States, by and through its employee, Dr. Eytan R. Barnea, M.D., failed to advise plaintiff of the known risks associated with the treatment or absence of treatment provided to him, and otherwise failed to obtain the informed consent of plaintiff with regard to the procedures performed upon her.

15. As a direct and proximate result of the negligence, deviations from the standard of care and lack of informed consent by defendant as aforesaid, plaintiff was injured. She has been caused to incur doctor, drug and other medical expenses and may reasonably expected to incur additional such expenses in the future. Plaintiff has been caused to suffer physical pain and suffering, mental anguish and anxiety, and discomfort and she will continue to endure the same in the future. Plaintiff suffers from a degree of permanent partial impairment and has been caused to lose wages and income as a result of her injuries.

WHEREFORE, plaintiff demands judgment against defendant, United States in the amount of her damages, together with interest and costs of suit.

COUNT II


16. Plaintiffs repeat and incorporate all allegations of the preceding paragraphs and allegations of this Complaint as if set forth in full.

17. Plaintiff, David Archoro Valentin, is the husband of plaintiff, Jerrylinn Kirkland-Rodriguez, and at all times material hereto, were happily married.

18. As a direct and proximate result of the negligence of the defendant, United States of America, as aforesaid, and as a result of the injuries suffered by plaintiff, Jerrylinn Kirkland-Rodriguez, plaintiff, David Archoro Valentin, has and will in the future suffer the loss of her usual services, relations and consortium, as well as her love, solace and affections.

WHEREFORE, plaintiff, David Archoro Valentin, demands judgment against defendant, United States in the amount of his damages, together with interest and costs of suit.

MALAMUT & ASSOCIATES, LLC



Adam S. Malamut, Esquire

Date: 7/15/17